

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS,  
BROWNSVILLE DIVISION**

FELIPE DE JESUS ARIZPE PEREZ

VS.

LUIS E. RAMOS OLGUIN AND  
LOZANO TRUCKING, LLC

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**CIVIL ACTION NO. \_\_\_\_\_**

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**EXHIBIT “1”  
INDEX OF CERTIFIED COPY OF CAMERON COUNTY  
DISTRICT CLERK’S FILE IN STATE COURT ACTION**

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DOCUMENTS	DATE OF ENTRY
1. Plaintiff’s Original Petition and First Set of Discovery Requests to Defendants	7/14/16
2. Citation to Luis E. Ramos Olguin	7/15/16
3. Citation to Lozano Trucking, LLC	7/15/16
4. Defendant’s Original Answer and Jury Demand	8/15/16
5. Plaintiff’s Motion for Trial Setting	8/15/16

CAUSE NO. \_\_\_\_\_

2016-CCL-00696

7/14/2016 8:49:29 AM

Sylvia Garza-Perez

Cameron County Clerk

FELIPE DE JESUS ARIZPE PEREZ

Plaintiff

§

IN THE COUNTY COURT

§

Cameron County - County Court at Law III

§

VS.

§

AT LAW NO. \_\_\_\_\_

§

LUIS E. RAMOS OLGUIN and

§

LOZANO TRUCKING LLC.

§

Defendant

§

CAMERON COUNTY, TEXAS

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**PLAINTIFF'S ORIGINAL PETITION  
AND FIRST SET OF DISCOVERY REQUESTS TO DEFENDANTS**

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TO THE HONORABLE JUDGE OF SAID COURT:

*Comes Now* FELIPE DE JESUS ARIZPE PEREZ, hereinafter referred to as Plaintiff, complaining of and about Defendants LUIS E. RAMOS OLGUIN and LOZANO TRUCKING LLC. INTERNATIONAL LTD, hereinafter referred to as Defendants, and for causes of action file this Plaintiff's Original Petition and First Set of Discovery Requests to Defendants. In support thereof, Plaintiff respectfully show unto the Court the following:

**A. Discovery Control Plan**

1.1 Plaintiff intend to conduct discovery under Level 2 of Texas Rule of Civil Procedure 190. Plaintiff's damages do not exceed seventy-five thousand dollars (\$75,000).

**B. Parties and Service**

2.1 Plaintiff FELIPE DE JESUS ARIZPE PEREZ is an individual residing Cameron County, Texas.

2.2 Defendant LUIS E. RAMOS OLGUIN is an individual residing in Kansas City, Kansas. Defendant will be served at his residence at 1921 Elizabeth Ave, Kansas City, KS 66102. Service will be effected by private civil processor by certified mail.

**A CERTIFIED COPY**  
SYLVIA GARZA-PEREZ, County Clerk  
Cameron County Texas  
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2.3 Defendant LOZANO TRUCKING LLC. INTERNATIONAL LTD is a trucking company doing business and operating its tractor trailers in the State of Texas. Defendant may be served with process by serving its registered agent for service of process Owner Operator Services, Inc., at 2601 MCHALE CT., STE 100 AUSTIN TX, 78758. Service will be effected by private civil processor by certified mail.

### C. Jurisdiction and Venue

3.1 The statements above and below are incorporated and/or adopted here by reference as if set forth verbatim.

3.2 This Court has *in personam* jurisdiction over the Defendants because, at the time of the events and conditions giving rise to this lawsuit and/or at the time this lawsuit was filed, the Defendants were doing business in Texas, and/or solicited business in Texas from Texas residents, and/or marketed and advertised in Texas to Texas residents, and/or contracted in Texas with Texas residents, and/or committed torts in whole or in part in Texas, and/or recruited Texas residents for employment, and/or maintained continuous and systematic contacts with Texas, and/or are generally present in Texas, and/or otherwise has the requisite minimum contacts with Texas, have purposefully availed themselves of the privileges and protections of Texas law, and could reasonably expect to be sued in Texas.

3.3 This Court has subject matter jurisdiction over this action because Plaintiff seeks damages within the Court's jurisdictional limits.

3.4 Venue is proper in Cameron County, Texas, pursuant to Texas Civil Practice and Remedies Code §15.002(a)(1) because all or a substantial part of the events or



**D. Facts**

4.1 On or about June 18, 2016, Plaintiff FELIPE DE JESUS ARIZPE PEREZ suffered injuries and other damages when the vehicle Plaintiff was driving was struck by a tractor trailer operated by Defendant LUIS E. RAMOS OLGUIN and owned by Defendant LOZANO TRUCKING LLC. INTERNATIONAL LTD. At the time of the collision Defendant LUIS E. RAMOS OLGUIN was acting in the course and scope of his employment with Defendant LOZANO TRUCKING LLC. INTERNATIONAL LTD.

**E. Cause of Action**

5.1 The statements above and below are incorporated and adopted by reference as if set forth verbatim here.

**Count One - Negligence**

5.2 At the time of the collision, Defendant LUIS E. RAMOS OLGUIN was operating his vehicle negligently. Defendant LUIS E. RAMOS OLGUIN had a duty to exercise ordinary care and operate his vehicle reasonably and prudently. Defendant LUIS E. RAMOS OLGUIN breached that duty in one or more of the following ways:

- a. Failing to control his speed; and/or
- b. Failing to timely apply his brakes; and/or
- c. Failing to yield the right of way; and/or
- d. Failing to turn his vehicle to avoid the collision; and/or
- e. Failing to maintain a proper lookout; and/or
- f. Driver inattention.





Defendant LUIS E. RAMOS OLGUIN 's negligence was a proximate cause of Plaintiff's injuries and other damages. At the time of the collision LUIS E. RAMOS OLGUIN was acting in the course and scope of his employment with Defendant LOZANO TRUCKING LLC.

**F. Vicarious Liability/Respondeat Superior**

6.1 The statements above and below are incorporated and adopted by reference as if set forth verbatim here.

6.2 At the time of the collision Defendant LUIS E. RAMOS OLGUIN was an employee of Defendant LOZANO TRUCKING LLC., and was acting in the course and scope of his employment with Defendant LOZANO TRUCKING LLC. Plaintiff therefore invokes the doctrines of vicarious liability and/or *respondeat superior* against Defendant LOZANO TRUCKING LLC., holding Defendant LOZANO TRUCKING LLC. responsible and liable for all of Defendant LUIS E. RAMOS OLGUIN 's negligent acts and omissions as stated herein.

**G. Damages**

7.1 Plaintiff seek damages in an amount that is within the jurisdictional limits of this Court. Plaintiff's damages do not exceed seventy-five thousand dollars (\$75,000).

**H. Conditions Precedent**

8.1 All conditions precedent have been performed or have otherwise occurred.

**I. Request for Disclosure**

9.1 Pursuant to Texas Rule of Civil Procedure 194, Plaintiff request that Defendant LUIS E. RAMOS OLGUIN and Defendant LOZANO TRUCKING LLC. each disclose the information or material described in Rule 194.2(a) through (l) within fifty (50)



**J. Discovery Requests**

10.1 Pursuant to the Texas Rules of Civil Procedure, Plaintiff requests that Defendant LUIS E. RAMOS OLGUIN and Defendant LOZANO TRUCKING LLC.. each serve responses to the attached Plaintiff' First Set of Interrogatories and Requests for Production to Defendant LUIS E. RAMOS OLGUIN and Defendant LOZANO TRUCKING LLC., respectively, attached hereto, within fifty (50) days of the service of this Plaintiff' Original Petition and First Set of Discovery Requests to Defendants.

**K. Notice of Intent to Rely on Documents Produced**

11.1 Defendants are hereby placed on actual notice of Plaintiff' intent to rely upon and to utilize any and all documents produced or incorporated by reference by Defendants in response to written discovery pursuant to Rule 193.7 of the Texas Rules of Civil Procedure.

**L. Prayer**

12.1 *Wherefore, premises considered,* Plaintiff FELIPE DE JESUS ARIZPE PEREZ respectfully prays that the Defendant LUIS E. RAMOS OLGUIN and Defendant LOZANO TRUCKING LLC. be cited to appear and answer herein, and that Plaintiff have judgment against Defendants LUIS E. RAMOS OLGUIN and LOZANO TRUCKING LLC. for the following:

- a. Physical pain in the past and future;
- b. Mental anguish in the past and future;
- c. Physical impairment in the past and future;



- d. Medical expenses in the past and future;
- e. Lost wages;
- f. Costs of suit;
- g. Pre-judgment and post-judgment interest; and
- h. All other relief, in law and in equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

THE GREEN LAW FIRM, P.C.  
34 S. Coria St.  
Brownsville, Texas 78520  
Telephone : (956) 542-7000  
Facsimile : (956) 542-7026  
[jorge@thegreenlawfirm.com](mailto:jorge@thegreenlawfirm.com)

By: \_\_\_\_\_/s/\_\_\_\_\_

JORGE A. GREEN  
State Bar No. 24038023

*ATTORNEYS FOR Plaintiff*



**Plaintiff's FIRST SET OF DISCOVERY REQUESTS**  
**TO DEFENDANT LUIS E. RAMOS OLGUIN**

***FIRST SET OF INTERROGATORIES TO DEFENDANT LUIS E. RAMOS OLGUIN***

**INTERROGATORY NO. 1:**

Please state your full legal name, nicknames you have ever been known by, current residence address, telephone number, date and place of birth, driver's licence number, and social security number. If married, please state the name and address of your spouse. Also state the names and addresses of all former spouses, and the names, current addresses and dates of birth of all natural and/or adopted children. Please also state the identity of all persons assisting in answering these interrogatories, and each of their respective occupations.

**ANSWER:**

**INTERROGATORY NO. 2:**

State the full name, telephone number, address, and your immediate supervisor(s) for your employers for the last ten (10) years. Please indicate if you have held or currently do hold any ownership interest in any business entity you have listed.

**ANSWER:**

**INTERROGATORY NO. 3:**

State whether you were acting within the course and scope of any employment, service, or agency at the time of the collision. If so, please state for whom were you acting and describe the relationship of the persons and/or entities involved. If not, please state for what purpose you were operating the vehicle owned by your employer.

**ANSWER:**

**INTERROGATORY NO. 4:**

State the style, court and cause number of any lawsuit to which you have been a party, and the final disposition of said suit.

**ANSWER:**





**INTERROGATORY NO. 5:**

Please list all traffic citations you have received since the subject collision and in the ten (10) years preceding the subject collision. For each citation, please state the specific violation and the ultimate disposition, including but not limited to your plea of guilty or *nolo contendere*. Additionally, please indicate if you have had your driver's licence revoked or suspended due to any of these violations and the period of time your license was revoked or suspended.

**ANSWER:**

**INTERROGATORY NO. 6:**

Other than the subject collision, please state whether you have been involved in any other motor vehicle accidents during the past ten (10) years. For each accident listed, please state the date and location of such accident, the parties involved, a factual description of the accident, and whether or not anyone was cited for a traffic violation as a result of the accident.

**ANSWER:**

**INTERROGATORY NO. 7:**

Describe any criminal record you have during the ten (10) years preceding the subject collision, including the nature of the charge, date and place of arrest, court and cause number, and conviction and/or ultimate disposition.

**ANSWER:**

**INTERROGATORY NO. 8:**

State in detail what intoxicating beverages, drugs, and/or prescription or non-prescription medications you had consumed during the twenty four (24) hour period preceding the subject collision.

**ANSWER:**

**INTERROGATORY NO. 9:**

Do you contend that the Plaintiff driver violated any traffic law at the time of or immediately prior to the subject collision? If so, please describe either by statute number or generally what you contend to be such traffic violations.

**ANSWER:**



**INTERROGATORY NO. 10:**

Describe any defect that you believe or have reason to believe was present in the road or in the marking on the road that either caused or contributed to the collision in question.

**ANSWER:**

**INTERROGATORY NO. 11:**

If you contend that you were injured in this collision, please describe the injuries sustained, if medical attention was necessary, and when you first saw a physician regarding these injuries.

**ANSWER:**

**INTERROGATORY NO. 12:**

Were there any obstructions to visibility for any of the operators of the vehicles involved in this collision at the time of or immediately before the subject collision that you contend caused or contributed to cause the subject collision?

**ANSWER:**

**INTERROGATORY NO. 13:**

Please state the nature and extent of your vision problems, if any, and whether or not you ever wear eyeglasses or other corrective lenses. Include in your answer whether or not you are required to wear corrective lenses to drive, and whether or not you were wearing eye glasses or other corrective lenses at the time of the subject collision. Please also state the name and address of your eye doctor and the date of your last visit.

**ANSWER:**

**INTERROGATORY NO. 14:**

Do you contend that the personal injuries and damages claimed by Plaintiff(s) were caused by an occurrence other than the subject collision, such as a disease, injury, or physical condition, either before or after the subject collision. If so, describe in detail such other occurrence, disease, injury or condition.

**ANSWER:**



**INTERROGATORY NO. 15:**

Please state where you had been just prior to the collision and where you were going at the time of the collision. Please indicate in your answer what time you were supposed to be at the location you were heading at the time of the subject collision.

**ANSWER:**

**INTERROGATORY NO. 16:**

Do you have information indicating, or any reason to believe that there was any defect or failure on the part of the vehicle you were driving which caused or contributed to cause the subject collision? If so, state the basis for such belief.

**ANSWER:**

**INTERROGATORY NO. 17:**

Please indicate whether or not you were using a cellular phone or other wireless communications device when the subject collision occurred.

**ANSWER:**

**INTERROGATORY NO. 18:**

If you contend that the subject collision was an "unavoidable accident", was the result of a "sudden emergency", or that someone or something else was the "sole proximate cause" of the subject collision, please describe in detail what you believe to be the cause of the collision, why it was "unavoidable", and/or the result of a "sudden emergency", and/or who or what was the "sole proximate cause".

**ANSWER:**

**INTERROGATORY NO. 19:**

Describe in your own words how the collision occurred and state specifically and in detail what your claim or contention will be regarding any cause or contributing cause of the collision, including a statement in detail of the facts or information upon which this contention is based.

**ANSWER:**





**INTERROGATORY NO. 20:**

Please indicate the speed or estimated speed that the vehicles were traveling at the time of incident, what was the posted speed limit on the road, including your speed at the time of the impact, and what speed you were traveling prior to applying your brakes.

**ANSWER:**

**INTERROGATORY NO. 21:**

Please state whether or not an insurer has denied coverage, or indicated that it is reserving its right to deny coverage, refuses to provide a defense, ir refuses to pay all or part of any judgment, and, if so, please identify every document containing or referring to any such denial, refusal, or reservation of rights.

**ANSWER:**

**INTERROGATORY NO. 22:**

Describe in detail any conversations you have had with the Plaintiff(s) or any other person (including, but not limited to witnesses and/or peace officers) following the subject collision.

**ANSWER:**

**INTERROGATORY NO. 23:**

Describe in detail what damage was done to your vehicle in the collision, and give the cost of repairs to fix your vehicle.

**ANSWER:**

**INTERROGATORY NO. 24:**

Do you contend that any of the personal injuries and damages claimed by Plaintiff(s) were not caused by the subject collision? If so describe in detail your reason for making such a contention.

**ANSWER:**





**FIRST SET OF REQUESTS FOR PRODUCTION TO DEFENDANT LUIS E. RAMOS  
OLGUIN**

1. All photographs taken in connection with Plaintiff' cause of action in the possession, constructive possession, custody or control of the Defendant, Defendant's attorney, or anyone acting on Defendant's behalf.

**RESPONSE:**

2. All photographs taken of the scene of the accident or the surrounding area of the scene of the accident in the possession, constructive possession, custody or control of the Defendant, Defendant's attorney, or anyone acting on Defendant's behalf.

**RESPONSE:**

3. All photographs taken of the Plaintiff which may be in the possession, constructive possession, custody or control of the Defendant, Defendant's attorney, or anyone acting on Defendant's behalf.

**RESPONSE:**

4. All pictures, motion pictures, movies, films, or photographic material of any kind taken of the Plaintiff which are in the possession, constructive possession, custody or control of the Defendant, Defendant's attorney, or anyone acting on Defendant's behalf.

**RESPONSE:**

5. All pictures, motion pictures, movies, films, or photographic material of any kind concerning the scene, vehicles, products r the events and happenings made the basis of defendant's lawsuit taken before, during of after the accident in question which are in the possession, constructive possession, custody or control of the Defendant, Defendants' attorney, or anyone acting on Defendants' behalf.

**RESPONSE:**

6. All written statements made by the Plaintiff or Defendant in the possession, constructive possession, custody or control of the Defendant, Defendants' attorney or anyone acting on Defendant's behalf.



7. All oral statements made by the Plaintiff or Defendant which was either recorded or taped on an electronic device or recorder which are in the possession, constructive possession, custody or control of the Defendant, Defendant's attorney or anyone acting on Defendant's behalf.

RESPONSE:

8. All written statements made by any witnesses to the subject collision that are in the possession, constructive possession, custody or control of the Defendant, Defendant's attorney, or anyone acting on Defendant's behalf.

RESPONSE:

9. All oral, taped or recorded statements made by any witnesses to the subject collision which are in the possession, constructive possession, custody or control of the defendant, Defendant's attorney or anyone acting on Defendant's behalf.

RESPONSE:

10. A copy of the policy or policies of liability insurance providing coverage to the Defendant on the date of the subject collision.

RESPONSE:

11. A copy of all documents filed with any state, city, federal or governmental agency, institution or department containing information about the Plaintiff which are in the possession, constructive possession, custody or control of the Defendant, Defendant's attorney or anyone acting on Defendant's behalf.

RESPONSE:

12. A copy of all medical records, doctor or hospital records, reports or medical documents of any kind containing information about the Plaintiff and/or concerning the medical or physical condition of the Plaintiff which are in the possession, constructive possession, custody or control of the Defendant, Defendant's attorney or anyone acting on Defendant's behalf.

RESPONSE:

A CERTIFIED COPY  
SYLVIA GARZA-PEREZ, County Clerk  
Cameron County Texas  
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13. All written reports of inspection, tests, writings, drawings, graphs, charts, recordings or opinions of any expert who has been used for consultation and whose work products forms a basis either in whole or in part of the opinions of and expert who is to be called as a witness. (If the discoverable factual materials has not reduced to a tangible form, request is hereby made that the Defendant advise the Plaintiff accordingly and reduce such material to a tangible form).

**RESPONSE:**

14. A curriculum vitae or resume for any consulting expert whose mental impressions or opinions have been reviewed by a testifying expert.

**RESPONSE:**

15. Any and all copies of investigation documentation, report, and/or memoranda made by or submitted to Defendant, Defendant's attorney, or anyone acting on behalf of Defendant as a result of the subject collision.

**RESPONSE:**

16. Any and all non-privileged written communications, including but not limited to letters and/or memorandums, between agents and/or representatives of the Defendant that have been prepared as a result of the subject collision.

**RESPONSE:**

17. Copies of estimates, invoices, and/or any other written documentation which was prepared as a result of the damage to any vehicles involved in the subject collision.

**RESPONSE:**

18. Copies of any and all relevant documents, reports, and/or memoranda in the possession of Defendant, Defendant's attorney, or anyone acting on Defendant's behalf which have resulted from or have been prepared as a result of the subject collision.

**RESPONSE:**





19. Copies of any and all books, documents, or other tangible things which may be used at the time of trial which may have a bearing of Plaintiff' cause of action.

**RESPONSE:**

20. Copies of any and all tangible things whose production has not been requested previously in this or other request which Defendant does not intend to introduce into evidence at trial but may be used as demonstrative evidence at trial.

**RESPONSE:**

21. Please produce a true and correct copy of your social security card.

**RESPONSE:**

22. Please produce of true and correct copy of your driver's license.

**RESPONSE:**

23. Please produce any and all photocopies of before and after pictures of your vehicle which was involved in the collision.

**RESPONSE:**

24. Please produce all documents that relate to, pertain to, lead up to, or otherwise concern lawsuits or claims filed by you or against you whether such lawsuit were litigated or settled. There shall be no limitation placed as to date of such lawsuits or claims.

**RESPONSE:**

25. Please produce true and correct copy of the title to your vehicle that was involved in the collision

**RESPONSE:**





26. Produce your cellular phone records which cover the month that the collision the subject of this lawsuit occurred and execute the attached "Authorization for Wireless Communication Device Records."

**RESPONSE:**

27. Please produce any and all records obtained or received by Defendant, Defendant's counsel, Defendant's insurer, or anyone acting on Defendant's, defense counsel's or Defendant's insurer's behalf pursuant to subpoena or by deposition on written questions. Such records should include, but not be limited to, medical records, employment records, workers' compensation records, and/or social security records. Please remember that you have a duty to supplement as such records are obtained pursuant to the Texas Rules of Civil Procedure.

**RESPONSE:**

28. Please produce the police and/or incident report prepared as a result of the subject collision.

**RESPONSE:**





**AUTHORIZATION FOR WIRELESS COMMUNICATION DEVICE RECORDS**

TO: \_\_\_\_\_ (Service Provider)

\_\_\_\_\_ (Address of Service Provider)

\_\_\_\_\_

RE: **LUIS E. RAMOS OLGUIN**

ACCOUNT NO. \_\_\_\_\_

TELEPHONE NO. \_\_\_\_\_ (if different from account number)

TIME PERIOD OF RECORDS REQUESTED: June 1-31, 20146

This is to authorize and direct the above named company who has issued, sold, rented, or leased any form of cellular, pager or other wireless communication device(s) and/or provided services to me, **LUIS E. RAMOS OLGUIN**, to furnish the law firm of **THE GREEN LAW FIRM, P.C.**, or any of its representatives, any and all billing and usage records related to the above account during the period indicated. Such records include, but are not limited to: detailed billing information, detailed call logs and/or calls placed and received (and the time of day or night and durations of the same), or any other information pertaining to the usage of my account during the time period referenced above. I hereby waive any privilege I have to said information.

Signed the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
**LUIS E. RAMOS OLGUIN**

Records should be provided to:

**THE GREEN LAW FIRM, P.C.**

c/o Jorge A. Green, Esq.

34 S. Coria Street

Brownsville, Texas 78520

Telephone : (956) 542-7000

Facsimile : (956) 542-7026



**PLAINTIFF'S FIRST SET OF DISCOVERY REQUESTS**  
**TO DEFENDANT LOZANO TRUCKING LLC.**

***FIRST SET OF INTERROGATORIES TO DEFENDANT LOZANO TRUCKING LLC. .***

**INTERROGATORY NO. 1:**

Please state the positions held, general job descriptions, and lengths of employment of LUIS E. RAMOS OLGUIN at the time of the collision in question.

**ANSWER:**

**INTERROGATORY NO. 2:**

Please state the full extent of any training, education, or experience concerning driving techniques or principles LUIS E. RAMOS OLGUIN has received while employed by you.

**ANSWER:**

**INTERROGATORY NO. 3:**

If you are contending that LUIS E. RAMOS OLGUIN was not acting in the course and scope of employment for you at the time of the collision, please state exactly why you are making such contention.

**ANSWER:**

**INTERROGATORY NO. 4:**

Please describe the background check with respect to driving history performed by you before hiring LUIS E. RAMOS OLGUIN .

**ANSWER:**

**INTERROGATORY NO. 5:**

Please list all traffic accidents in which LUIS E. RAMOS OLGUIN has been involved while employed by you (or before being employed by you if you were aware of the same before hiring LUIS E. RAMOS OLGUIN ), including the location, city, county, state and any violations for which he was cited in connection with any traffic accidents. The answer should include all traffic accidents, whether on duty or off duty.

**ANSWER:**





**INTERROGATORY NO. 6:**

Please give a description of all traffic violations for which LUIS E. RAMOS OLGUIN has been cited while employed by you (or before being employed by you if you were aware of the same before hiring LUIS E. RAMOS OLGUIN), including the date, city, county, state, offense alleged and ultimate disposition of such citation. The answer should include all traffic citations, whether on duty or off duty.

**ANSWER:**

**INTERROGATORY NO. 7:**

Do you contend that someone other than LUIS E. RAMOS OLGUIN (including but not limited to Plaintiff) did or failed to do something that contributed to the collision. If so, please state what you claim that person did or failed to do, or how the action or inaction caused or contributed to the accident.

**ANSWER:**

**INTERROGATORY NO. 8:**

Describe any defect that you believe, or have reason to believe, was present in the road or in the marking on the road that either caused or contributed to the collision in question.

**ANSWER:**

**INTERROGATORY NO. 9:**

Do you have information indicating, or any reason to believe that there was any defect or failure on the part of the vehicle LUIS E. RAMOS OLGUIN was driving which in whole or in part was the cause of collision? If so, state the basis for such belief.

**ANSWER:**

**INTERROGATORY NO. 10:**

Do you contend that any personal injuries or damages sustained by the Plaintiff were caused by an occurrence other than this collision, such as a disease or physical condition, either before or after the incidents made the basis of this case? If so, describe in detail such other occurrence, disease, injury or condition.

**ANSWER:**



**INTERROGATORY NO. 11:**

Please give a detailed description of exactly how the collision made the basis of the lawsuit occurred. Please indicate in your description the speed or estimated speed that the vehicle LUIS E. RAMOS OLGUIN was driving at the time of the incident. Please include in your answer a diagram to indicate the location of the collision and the direction that the vehicles were traveling at the time of the collision.

**ANSWER:**

**INTERROGATORY NO. 12:**

Please state whether or not an insurer has denied coverage, or indicated that it is reserving its right to deny coverage, refuses to provide a defense, or refuses to pay all or part of any judgment, and, if so, please identify every document containing or referring to any such denial, refusal, or reservation of rights.

**ANSWER:**

**INTERROGATORY NO. 13:**

Please describe the background check with respect to driving history performed by you before hiring an employee or agent to operate a vehicle on behalf of Fred LUIS E. RAMOS OLGUIN and LOZANO TRUCKING LLC.

**ANSWER:**

**INTERROGATORY NO. 14:**

At the time of the collision in question, what was the condition of the brakes, signaling devices, tires, and steering apparatus of said vehicle?

**ANSWER:**

**INTERROGATORY NO. 15:**

At the time of the collision, please state the nature of any job, tasks or undertaking which the operator, LUIS E. RAMOS OLGUIN, was performing for this Defendant. In your answer please include the nature of the job task or tasks being performed, whether LUIS E. RAMOS OLGUIN was on your payroll at the time of the collision in question, and the purpose of the trip being made.

**ANSWER:**



**INTERROGATORY NO. 16:**

Describe any information you have that leads you to believe or upon which you base any contention that the weather or any weather condition was a factor or contributed to this collision in any way.

**ANSWER:**

**INTERROGATORY NO. 17:**

Were there any obstructions to visibility for any of the operators of the vehicle involved in this collision at the time of or immediately before the collision in question that you contend was a factor or contributed to cause the collision in question?

**ANSWER:**

**INTERROGATORY NO. 18:**

Do you contend that the Plaintiff driver violated any traffic law at the time of or immediately prior to the collision in question? If so, please describe either by statute number or generally what you contend to be such traffic law violations.

**ANSWER:**

**INTERROGATORY NO. 19:**

If you contend that the subject collision was an "unavoidable accident", was the result of a "sudden emergency", or that someone or something else was the "sole proximate cause" of the subject collision, please describe in detail what you believe to be the cause of the collision, why it was "unavoidable", and/or the result of a "sudden emergency", and/or who or what was the "sole proximate cause".

**ANSWER:**

**INTERROGATORY NO. 21:**

Please indicate whether or not LOZANO TRUCKING LLC. provided LUIS E. RAMOS OLGUIN with a cellular phone or other wireless communications device for use by LUIS E. RAMOS OLGUIN while on the job for LOZANO TRUCKING LLC. If the answer is yes, please state the service provider, service provider address, account number, and telephone number.

**ANSWER:**



**INTERROGATORY NO. 21:**

Please indicate whether or not LUIS E. RAMOS OLGUIN was using a cellular phone or other wireless communications device when the subject collision occurred. This interrogatory applies to any cellular phone or wireless communications device being used by LUIS E. RAMOS OLGUIN , whether provided by LOZANO TRUCKING LLC. or not.

**ANSWER:**





**FIRST SET OF REQUESTS FOR PRODUCTION TO DEFENDANT LOZANO TRUCKING LLC..**

1. All photographs taken in connection with Plaintiff's cause of action in the possession, constructive possession, custody or control of the Defendant, Defendant's attorney or anyone acting on Defendant's behalf.

**RESPONSE:**

2. All photographs taken of the scene of the accident or the surrounding area of the scene of the accident in the possession, constructive possession, custody or control of the Defendant, Defendant's attorney or anyone acting on Defendant's behalf.

**RESPONSE:**

3. All photographs taken of the Plaintiff which may be in the possession, constructive possession, custody or control of the Defendant, Defendant's attorney or anyone acting on Defendant's behalf.

**RESPONSE:**

4. All pictures, motion pictures, movies, films, or photographic material of any kind taken of the Plaintiff which are in the possession, constructive possession, custody or control of the Defendant, Defendant's attorney or anyone acting on Defendant's behalf.

**RESPONSE:**

5. All pictures, motion pictures, movies, films, or photographic material of any kind concerning the scene, vehicles, products or the events and happenings made the basis of defendant's lawsuit taken before, during or after the accident in question which are in the possession, constructive possession, custody or control of the Defendant, Defendants' attorney or anyone acting on Defendants' behalf.

**RESPONSE:**



6. All written statements made by the Plaintiff in the possession, constructive possession, custody or control of the Defendant, Defendant's attorney or anyone acting on Defendant's behalf.

**RESPONSE:**

7. All oral statements made by the Plaintiff which was either recorded or taped on an electronic device or recorder which are in the possession, constructive possession, constructive possession, custody or control of the Defendant, Defendant's attorney or anyone acting on Defendant's behalf.

**RESPONSE:**

8. All written statements made by any witnesses to the accident that are in the possession, constructive possession, custody or control of the Defendant, Defendant's attorney or anyone acting on Defendant's behalf.

**RESPONSE:**

9. All oral, taped or recorded statements made by any witnesses to the accident that is the basis of Plaintiff's lawsuit which are in the possession, constructive possession, custody or control of the defendant, Defendant's attorney or anyone acting on Defendant's behalf.

**RESPONSE:**

10. A copy of the policy or policies of liability insurance providing coverage to the Defendant on the date of the collision.

**RESPONSE:**

11. A copy of all documents filed with any state, city, federal or governmental agency, institution or department containing information about the Plaintiff which are in the possession, constructive possession, custody or control of the Defendant, Defendant's attorney or anyone acting on Defendant's behalf.

**RESPONSE:**



12. A copy of all medical records, doctor or hospital records, reports or medical documents of any kind containing information about the Plaintiff and/or concerning the medical or physical condition of the Plaintiff which are in the possession, constructive possession, custody or control of the Defendant, Defendant's attorney or anyone acting on Defendant's behalf.

**RESPONSE:**

13. All written reports of inspection, tests, writings, drawings, graphs, charts, recordings or opinions of any expert who has been used for consultation and whose work products forms a basis either in whole or in part of the opinions of and expert who is to be called as a witness. (If the discoverable factual materials has not reduced to a tangible form, request is hereby made that the Defendant advise the Plaintiff accordingly and reduce such material to a tangible form).

**RESPONSE:**

14. A curriculum vitae or resume for any consulting expert whose mental impressions or opinions have been reviewed by a testifying expert.

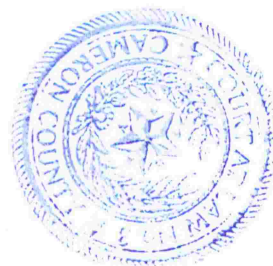
**RESPONSE**

15. Any and all copies of investigation documentation, report and/or memoranda made by or submitted to Defendant or anyone acting on Defendant's behalf, as a result of the automobile collision with Plaintiff which has been made the basis of Plaintiff's lawsuit.

**RESPONSE:**

16. Any and all written communications, including but not limited to letters and/or memorandums, between agents, employees and/or representatives of defendants' that Defendant prepared as a result of the accident made the basis of Plaintiff's lawsuit.

**RESPONSE:**





17. Copies of estimates, invoices, and/or any other written documentation which was prepared as a result of the damage to any vehicles involved in the accident made the basis of Plaintiff' lawsuit.

**RESPONSE:**

18. Copies of any and all relevant documents, reports, and/or memorandum in Defendant possession which have resulted from the accident made the basis of Plaintiff' lawsuit.

**RESPONSE:**

19. Copies of any and all books, documents or other tangible things which may be used at the time of trial, which may have a bearing of Plaintiff' cause of action.

**RESPONSE:**

20. Copies of any and all tangible things whose production has not been requested previously in this or other request which Defendant does not intend to introduce into evidence at trial but may be used as demonstrative evidence at trial.

**RESPONSE:**

21. Please produce any and all photocopies of before and after pictures of your vehicle and Plaintiff' vehicle which were involved in the collision.

**RESPONSE:**

22. Please produce all documents that relate to, pertain to, lead up to, or otherwise concern lawsuits or claims filed by you or against you whether such lawsuit were litigated or settled. There shall be no limitation placed as to date of such lawsuits or claims.

**RESPONSE:**

23. Please produce true and correct copy of the title to your vehicle that was involved in the collision

**RESPONSE:**





24. Produce the cellular phone or other wireless communication device records for LUIS E. RAMOS OLGUIN which cover the month that the collision the subject of this lawsuit occurred and have LUIS E. RAMOS OLGUIN execute the attached "Authorization to Release Cellular Telephone Records." This request applies to cellular phones and wireless communication devices either provided to LUIS E. RAMOS OLGUIN by LUIS E. RAMOS OLGUIN and LOZANO TRUCKING LLC, or those used by LUIS E. RAMOS OLGUIN for personal purposes while on the job for LUIS E. RAMOS OLGUIN and LOZANO TRUCKING LLC.

**RESPONSE:**

25. Please produce any and all records obtained or received by Defendant, Defendant's counsel, Defendant's insurer, or anyone acting on Defendant's, defense counsel's or Defendant's insurer's behalf pursuant to subpoena or deposition on written questions. Such records should include, but not be limited to, medical records, employment records, workers' compensation records, and/or social security records. Please remember that you have a duty to supplement as such records are obtained pursuant to the Texas Rules of Civil Procedure.

**RESPONSE:**

26. Please produce the police and/or incident report prepared as a result of the subject collision.

**RESPONSE:**



**VERIFICATION**

THE STATE OF \_\_\_\_\_ §

§

COUNTY OF \_\_\_\_\_ §

BEFORE ME, the undersigned authority, a notary public, on this day personally appeared \_\_\_\_\_, who being by me duly sworn on his/her oath, deposed and said that he/she is duly qualified and authorized in all respects to make this Affidavit on behalf of LOZANO TRUCKING LLC.; that he/she has read the above and foregoing answers to interrogatories; and every statement contained in the answers is within his/her knowledge, and is true and correct.

\_\_\_\_\_  
Affiant

\_\_\_\_\_  
Printed Name of Affiant

\_\_\_\_\_  
Position with LOZANO TRUCKING LLC.

SUBSCRIBED AND SWORN TO BEFORE ME by the said \_\_\_\_\_, on this the \_\_\_\_\_ day of \_\_\_\_\_, 2016, to certify which witness my hand and official seal.

\_\_\_\_\_  
Notary Public, State of Texas

\_\_\_\_\_  
Printed/typed name of Notary

My Commission Expires:  
\_\_\_\_\_



CIVIL CASE INFORMATION SHEET (REV. 2/13)  
2016-CCL-00696FILED  
2016-CCL-00696  
7/14/2016 8:49:29 AM  
Sylvia Garza-Perez  
Cameron County Clerk

CAUSE NUMBER (FOR CLERK USE ONLY):

COURT (FOR CLERK USE ONLY):

STYLED FELIPE DE JESUS ARIZPE PEREZ vs. LUIS E. RAMOS OLGUIN and LOZANO TRUCKING LLC.

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

<b>1. Contact information for person completing case information sheet:</b>		<b>Names of parties in case:</b>		<b>Person or entity completing sheet is:</b>
Name:	Email:	Plaintiff(s)/Petitioner(s):		<input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner
Jorge A. Green	jorge@thegreenlawfirmmpc.com	FELIPE DE JESUS		<input type="checkbox"/> Pro Se Plaintiff/Petitioner
Address:	Telephone:	ARIZPE PEREZ		<input type="checkbox"/> Title IV-D Agency
34 S. Coria St.	(956) 542-7000	Defendant(s)/Respondent(s):		<input type="checkbox"/> Other:
City/State/Zip:	Fax:	LUIS E. RAMOS OLGUIN and		Additional Parties in Child Support Case:
Brownsville, TX 78520	(956) 542-7026	LOZANO TRUCKING LLC.		Custodial Parent:
Signature:	State Bar No:			Non-Custodial Parent:
Jorge A. Green w/p	24038023			Presumed Father:
[Attach additional page as necessary to list all parties]				
<b>2. Indicate case type, or identify the most important issue in the case (select only 1):</b>				
<b>Civil</b>		<b>Family Law</b>		
<b>Contract</b>	<b>Injury or Damage</b>	<b>Real Property</b>	<b>Marriage Relationship</b>	<b>Post-judgment Actions (non-Title IV-D)</b>
<input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract:  <input type="checkbox"/> Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract:	<input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <input type="checkbox"/> Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input checked="" type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises <input type="checkbox"/> Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: <input type="checkbox"/> Other Injury or Damage:	<input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property:  <b>Related to Criminal Matters</b> <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other:	<input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void <b>Divorce</b> <input type="checkbox"/> With Children <input type="checkbox"/> No Children  <b>Other Family Law</b> <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other:	<input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other  <b>Title IV-D</b> <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocals (UIFSA) <input type="checkbox"/> Support Order
<b>Employment</b>	<b>Other Civil</b>		<b>Parent-Child Relationship</b>	
<input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment:	<input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property		<input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child:	
<b>Tax</b>	<b>Probate &amp; Mental Health</b>			
<input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax	<b>Probate/Wills/Intestate Administration</b> <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings		<input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other:	
<b>3. Indicate procedure or remedy, if applicable (may select more than 1):</b>				
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover
<b>4. Indicate damages sought (do not select if it is a family law case):</b>				
<input checked="" type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input type="checkbox"/> Over \$1,000,000				

A CERTIFIED COPY  
SYLVIA GARZA-PEREZ, County Clerk  
Cameron County Texas  
Page 30 of 41





Citation for Personal Service

Cause No. 2016-CCL-00696 -C  
**THE STATE OF TEXAS**

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

TO:

**LUIS E. RAMOS OLGUIN**  
1921 Elizabeth Ave.  
Kansas City, KS 66102

the Defendant; GREETING:

You are commanded to appear by filing a written answer to the Plaintiff's Original Petition and First Set of Discovery Requests to Defendants at or before 10:00 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service of this citation before the Honorable County Court at Law III of Cameron County at the Court House of said county in Brownsville, Texas.

Said Plaintiff's Petition was filed in said court, by JORGE A. GREEN (Attorney for Plaintiff or Plaintiff), whose address is 34 S Coria Brownsville TX 78520 on July 14, 2016, in this case numbered 2016-CCL-00696 on the docket of said court, and styled,

**FELIPE DE JESUS ARIZPE PEREZ**

**VS**

**LUIS E. RAMOS OLGUIN and LOZANO TRUCKING LLC.**

The nature of Plaintiff's demand is fully shown by a true and correct copy of Plaintiff's Original Petition and First Set of Discovery Requests to Defendants accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at Brownsville, Texas, on this the 15th day of July, 2016.



Sylvia Garza-Perez, County Clerk  
Cameron County, Texas  
974 E. Harrison St.  
(P.O. Box 2178)  
Brownsville, Texas 78522-2178

By /s/Carolina Gomez, Deputy  
Carolina Gomez

**SHERIFF'S RETURN**

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ o'clock and executed (not executed) on the day of \_\_\_\_\_, by delivering to \_\_\_\_\_ in person a true copy of this Citation, upon which I endorsed the date of delivery, together with the accompany copy of the \_\_\_\_\_ Cause of failure to execute this citation is:

FEES serving 1 copy

Total . . . . . \$ \_\_\_\_\_ Sheriff/Constable \_\_\_\_\_ County, Texas

Fees paid by: \_\_\_\_\_ By \_\_\_\_\_, Deputy

**A CERTIFIED COPY**  
SYLVIA GARZA-PEREZ, County Clerk  
Cameron County Texas  
Page 31 of 41





Citation for Personal Service

Cause No. **2016-CCL-00696 -C**  
**THE STATE OF TEXAS**

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

TO:

**Lozano Trucking LLC**  
**Registered Agent: Owner Operator Services Inc.**  
**2601 Michale Ct. Ste. 100**  
**Austin, Texas 78758**

the Defendant; GREETING:

You are commanded to appear by filing a written answer to the Plaintiff's Original Petition and First Set of Discovery Requests to Defendants at or before 10:00 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service of this citation before the Honorable County Court at Law III of Cameron County at the Court House of said county in Brownsville, Texas.

Said Plaintiff's Petition was filed in said court, by JORGE A. GREEN (Attorney for Plaintiff or Plaintiff), whose address is 34 S Coria Brownsville TX 78520 on July 14, 2016, in this case numbered 2016-CCL-00696 on the docket of said court, and styled,

**FELIPE DE JESUS ARIZPE PEREZ**

**VS**

**LUIS E. RAMOS OLGUIN and LOZANO TRUCKING LLC.**

The nature of Plaintiff's demand is fully shown by a true and correct copy of Plaintiff's Original Petition and First Set of Discovery Requests to Defendants accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at Brownsville, Texas, on this the 15th day of July, 2016.



Sylvia Garza-Perez, County Clerk  
Cameron County, Texas  
974 E. Harrison St.  
(P.O. Box 2178)  
Brownsville, Texas 78522-2178

By /s/Carolina Gomez, Deputy  
Carolina Gomez

SHERIFF'S RETURN

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_ o'clock and executed (not executed) on the day of \_\_\_\_\_, by delivering to \_\_\_\_\_ in person a true copy of this Citation, upon which I endorsed the date of delivery, together with the accompany copy of the \_\_\_\_\_ Cause of failure to execute this citation is:

FEES serving 1 copy

Total . . . . . \$ \_\_\_\_\_ Sheriff/Constable \_\_\_\_\_ County, Texas

Fees paid by: \_\_\_\_\_ By \_\_\_\_\_, Deputy

**A CERTIFIED COPY**  
**SYLVIA GARZA-PEREZ, County Clerk**  
**Cameron County Texas**  
Page 32 of 41



**CAUSE NO. 2016-CCL-00696**

FELIPE DE JESUS ARIZPE PEREZ	§	IN THE COUNTY COURT
	§	
	§	
VS.	§	AT LAW NO. 3
	§	
	§	
LUIS E. RAMOS OLGUIN AND	§	
LOZANO TRUCKING, LLC	§	CAMERON COUNTY, TEXAS

**DEFENDANT'S ORIGINAL ANSWER AND JURY DEMAND**

COMES NOW, Defendant, **LUIS E. RAMOS OLGUIN ("Defendant")**, and files this, his Original Answer, and would show the Court more fully as follows and would show the Court more fully as follows:

**I.**  
**GENERAL DENIAL**

1.1 Subject to such stipulations as may hereafter be made, Defendant assert a general denial as authorized by Rule 92 of the Texas Rules of Civil Procedure, and Defendant respectfully requests that Plaintiff be required to prove his charges and allegations against Defendant by a preponderance of the evidence, as required by the Constitution and the laws of the State of Texas.

**II.**  
**DEFENSES AND OTHER MATTERS**

**A. CONTRIBUTORY NEGLIGENCE**

2.1. Without waiving the foregoing general denial, but still insisting upon the same, for further answer herein, if any be necessary, Defendant would show that Plaintiff's alleged injuries were caused, in whole or in part, by Plaintiff's own negligence want of care.



**B. COMPARATIVE NEGLIGENCE**

2.2. Without waiving the foregoing general denial and affirmative defenses, but still insisting upon the same, for further answer herein, if any be necessary, Defendant would show that Plaintiff's alleged injuries, if any, were caused, in whole or in part, by the negligence of Plaintiff, co-Defendants, designated responsible parties, other third parties or instrumentalities over whom Defendants had no control. Consequently, Defendant invokes the doctrine of comparative negligence.

**C. INTERVENING OR SUPERSEDING CAUSE**

2.3. Without waiving the foregoing general denial and affirmative defenses, but still insisting upon the same, for further answer herein, if any be necessary, the Defendant would show that the loss, damage and injuries alleged by the Plaintiff were proximately caused by a new, independent and intervening or superseding cause or parties over which Defendant had no control or right of control, therefore, Defendant is not liable to Plaintiff.

**D. OPEN AND OBVIOUS**

2.4. Without waiving the foregoing general denial and affirmative defenses, but still insisting upon the same, for further answer herein, if any be necessary, Defendant would show that the facts and circumstances that Plaintiff alleges caused him injury were open and obvious to Plaintiff, therefore, Defendant is not liable to Plaintiff.

**E. UNAVOIDABLE ACCIDENT**

2.5. Without waiving the foregoing general denial and affirmative defenses, but still insisting upon the same, for further answer herein, if any be necessary, Defendant affirmatively alleges that if Plaintiff was injured as alleged, such injuries were the result of an unavoidable and unforeseeable accident, or the result of a sudden emergency.



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SYLVIA GARZA-PEREZ, County Clerk  
Cameron County Texas  
Page 34 of 41



**F. REQUISITE NECESSITY OF CERTAINTY FOR DAMAGES**

2.6. Without waiving the foregoing general denial and affirmative defenses, but still insisting upon the same, for further answer herein, if any be necessary, Defendant would show that if any damages are sought in this matter for any of these components of damages and alleged matters, that Plaintiff be required to show with reasonable certainty such alleged damages.

**G. PLAINTIFF'S INJURIES DUE TO PRE-EXISTING CONDITIONS**

2.7. Without waiving the foregoing general denial and affirmative defenses, but still insisting upon the same, for further answer herein, if any be necessary, Defendant affirmatively alleges that Plaintiff's injuries and/or conditions, if any, are the result of Plaintiff's pre-existing conditions.

**H. PLAINTIFF FAILED TO MITIGATE DAMAGES**

2.8. Without waiving the foregoing general denial and affirmative defenses, but still insisting upon the same, for further answer herein, if any be necessary, Defendant would show that the injuries and damages Plaintiff complains of may have been caused in whole or in part by the Plaintiff's failure to mitigate damages.

**I. PLAINTIFF'S MEDICAL EXPENSES ARE LIMITED TO THOSE ACTUALLY PAID OR INCURRED**

2.9. Without waiving the foregoing general denial and affirmative defenses, but still insisting upon the same, for further answer herein, if any be necessary, Defendant would show Plaintiff is limited in the recovery of medical expense under Chapter 41.0105 of the Texas Civil Practices and Remedies Code, which limits the recovery of medical expenses to the amount *actually paid or incurred*. Accordingly, Defendant is not liable to Plaintiff for medical expenses that are not actually paid or incurred.

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SYLVIA GARZA-PEREZ, County Clerk  
Cameron County Texas  
Page 35 of 41

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**J. PLAINTIFF'S MEDICAL BILLS ARE NOT REASONABLE AND/OR NECESSARY**

2.10. Without waiving the foregoing general denial and affirmative defenses, but still insisting upon the same, for further answer herein, if any be necessary, Defendant asserts that with some or all of Plaintiff's medical expenses were not reasonable and necessary.

**K. PLAINTIFF'S INJURIES HAVE NO CONNECTION TO LAWSUIT**

2.11. Without waiving the foregoing general denial and affirmative defenses, but still insisting upon the same, for further answer herein, if any be necessary, Defendant affirmatively alleges that the injuries about which Plaintiff complains, either some or all, may be found to be in no way connected or related to the incident made the basis of this suit; and/or that any alleged incidents or symptoms may have been caused by other conditions not related to this litigation. Defendant would also show a jury may determine Plaintiff was not injured.

**L. DEFENDANTS ARE ENTITLED OFFSET AND CREDIT**

2.12. Without waiving the foregoing general denial and affirmative defenses, but still insisting upon the same, for further answer herein, if any be necessary, Defendant would show that he is entitled to any offset and credit for any and all insurance and/or property or casualty benefits paid to the Plaintiff under any insurance coverage. Defendant asserts that any damages rendered at or below the monetary amount(s) paid in such benefits shall serve as a complete bar to recovery for the Plaintiff and/or offset or credit to Defendant.

**M. UNREASONABLE AND IMPROPER TO AWARD OF PRE-JUDGMENT INTEREST**

2.13. Defendant asserts that any award to Plaintiff, in the unlikely event that an adverse judgment is rendered against Defendant, the judgment should not include pre-judgment interest because any delay in the trial of the case was not caused by Defendant. Accordingly, an award of pre-judgment interest would be unreasonable and improper under the circumstances of the case.

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SYLVIA GARZA-PEREZ, County Clerk  
Cameron County Texas  
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**N. RESERVATION FROM DEVELOPMENTS AND DISCOVERY**

2.14. Subject to and without waiving the foregoing general denial and affirmative defenses, Defendant incorporates herein by reference, as if set forth fully at length herein, any and all discovery matters to be uncovered in the course of discovery of this case, including but not limited to, deposition testimony, written discovery answers, and responses and exhibits, with full reservation to designate further.

**O. LIMIT ON EXEMPLARY DAMAGES**

2.15. Without waiving the foregoing general denial and affirmative defenses, but still insisting upon the same, for further answer herein, if any be necessary, Defendant further asserts that Chapter 41 of the Texas Civil Practice and Remedies Code governs and limits any exemplary damages that Plaintiff may be seeking in this suit. Therefore, Defendant is not liable to Plaintiff for damages beyond the limits on exemplary damages imposed by Chapter 41.

**III.**  
**JURY DEMAND**

3.1. Defendant hereby demands a trial by jury. Contemporaneously with the filing of this pleading, Defendant tenders the required jury fee to the clerk.

**IV.**  
**PRAYER**

4.1. **WHEREFORE, PREMISES CONSIDERED,** Defendant, **LUIS E. RAMOS OLGUIN**, prays that Plaintiff take nothing by this suit against Defendant and Defendant be discharged without delay, and for such other and further relief, both general and special, at law and in equity, to which he may show justly entitled.

**A CERTIFIED COPY**  
SYLVIA GARZA-PEREZ, County Clerk  
Cameron County Texas  
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Respectfully submitted,

**ROYSTON, RAYZOR, VICKERY & WILLIAMS, L.L.P.**

By: /s/ Esteban Delgadillo

James H. Hunter, Jr.  
State Bar No. 00784311  
Esteban Delgadillo  
State Bar No. 24087406  
55 Cove Circle  
Brownsville, Texas 78521  
(956) 542-4377 (Telephone)  
(956) 542-4370 (Facsimile)  
E-Mail: jim.hunter@roystonlaw.com  
E-Mail: esteban.delgadillo@roystonlaw.com  
**ATTORNEYS FOR DEFENDANT,**  
**LUIS E. RAMOS OLGUIN**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY, that a true and correct copy of the above and foregoing document has been forwarded *via facsimile, Regular U.S. First Class Mail, certified mail, return receipt requested and/or E-Mail* to all counsel of record on this 15th day of August 2016, as follows:

Jorge A. Green  
THE GREEN LAW FIRM, P.C.  
34 S. CORIA ST.  
Brownsville, Texas 78520  
Tel: 956.542.7000  
Fax: 956.542.7026  
Email: Jorge@thegreenlawfirmnpc.com

/s/ Esteban Delgadillo

Royston, Rayzor, Vickery & Williams, LLP



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SYLVIA GARZA-PEREZ, County Clerk  
Cameron County Texas  
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FELIPE DE JESUS ARIZPE PEREZ	§	IN THE COUNTY COURT
Plaintiff	§	
	§	
VS.	§	AT LAW NO. 3
	§	
LUIS E. RAMOS OLGUIN and	§	
LOZANO TRUCKING LLC.	§	
Defendant	§	CAMERON COUNTY, TEXAS

---

**PLAINTIFF'S MOTION FOR TRIAL SETTING**

---

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW FELIPE DE JESUS ARIZPE PEREZ, Plaintiff in the above-entitled and numbered cause, and respectfully moves that the Court to set the above-styled and numbered cause for hearing on a trial setting at the Court's earliest convenience.

Respectfully submitted,

THE GREEN LAW FIRM, P.C.  
34 S. Coria  
Brownsville, Texas 78520  
Telephone: (956) 542-7000  
Facsimile: (956) 542-7026  
[jorge@thegreenlawfirmnpc.com](mailto:jorge@thegreenlawfirmnpc.com)

BY: \_\_\_\_\_/s/  
JORGE A. GREEN  
State Bar No. 24038023  
MICHAEL L. ORTH  
State Bar No. 24079089

**ATTORNEYS FOR PLAINTIFFS**





**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing instrument has been forwarded to the following counsel of record in accordance with the Texas Rules of Civil Procedure:

Esteban Delgadillo  
ROYSTON, RAYZOR, VICKERY & WILLIAMS, L.L.P  
55 Cove Circle  
Brownsville , TX 78521  
[esteban.delgadillo@roystonlaw.com](mailto:esteban.delgadillo@roystonlaw.com)

on this 15<sup>th</sup> day of August, 2016.

\_\_\_\_\_/s/\_\_\_\_\_  
JORGE A. GREEN

A CERTIFIED COPY  
SYLVIA GARZA-PEREZ, County Clerk  
Cameron County Texas  
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FELIPE DE JESUS ARIZPE PEREZ  
Plaintiff§  
§  
§  
§  
§  
§  
§  
§

IN THE COUNTY COURT

VS.

AT LAW NO. 3

LUIS E. RAMOS OLGUIN and  
LOZANO TRUCKING LLC.  
Defendant

CAMERON COUNTY, TEXAS

---

**ORDER SETTING HEARING ON PLAINTIFF'S  
MOTION FOR TRIAL SETTING**

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On this day came on to be considered **Plaintiff's Motion for Trial Setting** in the above styled and numbered cause. The Court finds the matter addressed in such motion should be heard by the Court.

IT IS THEREFORE ORDERED that said **Plaintiff's Motion for Trial Setting** be and is hereby set for hearing (**Telephonic**) on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, at \_\_\_\_\_ o'clock \_\_\_\_\_m., in the County Court at Law No. 3 of Cameron County, Texas.

SIGNED FOR ENTRY this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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JUDGE PRESIDING

Copies to:

Jorge A. Green, [plucio@thegreenlafirmmpc.com](mailto:plucio@thegreenlafirmmpc.com)

Esteban Delgadillo, [esteban.delgadillo@roystonlaw.com](mailto:esteban.delgadillo@roystonlaw.com)



**A CERTIFIED COPY**  
SYLVIA GARZA-PEREZ, County Clerk  
Cameron County Texas  
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State of Texas  
County of Cameron  
I, **SYLVIA GARZA-PEREZ**, County Clerk of Cameron County, Texas, do hereby certify that the foregoing is a true and correct copy of the original now on file and/or recorded by me in the Civil Records  
By Sylvia Garza-Perez 8-16-2016 Date  
Deputy  
SYLVIA GARZA-PEREZ, County Clerk